

Election 2000 in Florida

Could It Happen Here?

SUMMARY

“If it ain’t broke, don’t fix it!”

The United States Congress and many individual states and their counties are evaluating the election process because of a bright spotlight directed toward the State of Florida in the aftermath of the 2000 Presidential Election. In Orange County, a select committee has been actively analyzing the County election process and has made a preliminary set of recommendations to the Board of Supervisors. Some of these recommendations have been approved and implementation has begun.

According to the California Secretary of State, as of October 10, 2000, over 1.3 million citizens in Orange County were registered to vote. More than 1.7 million citizens were eligible. In 2000, 59% voted in the primary and 73% voted in the general election. Requests for absentee ballots from registered voters have reached nearly 25%.

The Orange County Registrations and Elections Department must process and maintain the list of registered voters, prepare and conduct elections, and finally, tally and report the results in a timely fashion. Since 1995, this Department has been operating at woefully inadequate funding and personnel levels. It has been estimated that the purchase of a new voting system in Orange County might cost as much as \$50 million. Changing the method used to vote in Orange County, solely on the strength of new technology, may not be the best use of any additional funds allocated to this Department.

Problems recognized during recent elections in the County were not the result of out-dated voting equipment. Issues that arise during the election are part of an evolving election process. Improvements that include upgraded training and new supply materials are made incrementally between elections. There are always areas that need improvement but new voting equipment may not be the panacea.

Orange County should not fall prey to seductive new technology to repair a voting system that is not broken.

PURPOSE/INTRODUCTION

The purpose of this report is to evaluate the Registrations and Elections Department and the voting process used in Orange County. Monitoring the process of elections has been a traditional responsibility of the Grand Jury. In light of the problems encountered in Florida in the 2000 Presidential Election, the 2000-2001 Orange County Grand Jury examined the election process in our County. Because the public has an expectation of perfection, what is the Orange County Registrations and Elections Department doing and, if needed, what can be done to improve the process? These and other questions are addressed in this report.

HISTORY/BACKGROUND

The Registrations and Elections Division became a separate department when the General Services Agency was eliminated after the County bankruptcy and reorganization of 1994 -1995. The Department has operated literally on a "shoestring" budget during the ensuing years with minimal staff. Prior to reorganization, the previous Division had 48 employees and a budget of approximately \$4.5 million. The net County cost for the current Department has averaged \$2.9 million annually between 1996 and 2000. In mid-year 1995, the number of employees in this Department was reduced from 48 to 30, a reduction of 38%. Since 1995, the number of registered voters has increased from 1.1 million to 1.3 million, an increase of 18%. Requests for absentee ballots increased from 180,000 to nearly 293,000, an increase of 57%. Today, the Department has one contract employee and 33 full-time positions, management and non-management, a decrease of 33% since 1994. The head of this department is the Registrar of Voters.

Comparison of Orange County to Other Large California Counties Registered Voters vs. Number of Staff

Counties	Registered voters	Staff
Los Angeles	3,808,488	300
San Diego	1,304,311	52
Orange	1,228,575	34
Santa Clara	717,999	34
Alameda	640,975	33
San Bernadino	636,923	32
Riverside	585,541	28-32
Sacramento	575,968	35
Contra Costa	457,508	19
San Francisco	468,438	13
Kern	253,120	10

Source: Extracted from a report by the Registrar of Voters, San Bernardino County

Ongoing Responsibility of Registrar

On a daily basis the staff of the Registrations and Elections Department must:

- Process new voter applications
- Process voter address changes
- Process any change in voter status
- Purge voter rolls
- Update office records
- Help the public on the telephone and at the public counter
- Assist candidates for office with their ballot paperwork

By increasing the number of employees in the Registrations and Elections Department, many logistical problems could be solved, such as purging of the voter list. The system used by the Department to track registrations and precincts is over 15 years old. This system, called the Election Information Management System (EIMS), provides all internal management functions. The system is slow and inadequate for the volume of work required. There have been tremendous changes in the computer industry and modernization has improved large systems. Recent California legislation changed the deadline for new voter registrations from 29 days before an election to only 15 days. New registrations need to be included in rosters, street indices, and sample ballot mailings. This shortened time frame will impact operations.

With recent elections in the County, there have been reported problems. Some of them are:

- Printing problems with ballots and ballot materials
- Precinct workers who do not show up for duty
- Precinct lists with inaccurate or outdated names
- Polling places in less than suitable locations
- Precinct workers not bi-lingual
- Absentee ballots not received in time
- Sample ballots arrive late or not at all

Election Preparation Responsibilities

There are 2,040 precincts with about 1,700 polling places that must be secured; four precinct workers are needed for each location on major election days. Training sessions are scheduled throughout the County for these precinct workers but the training is only mandatory for the inspector position. Temporary employees are hired for elections only and many volunteers assist in the voting process. The numbers hired vary by the size and type of election. For each major election, the Department must accomplish the following activities:

- Recruit thousands of people to be precinct officers
- Secure more than a thousand voting locations

- Train new precinct officers
- Update training for returning precinct officers
- Train new temporary employees at the Department's office
- Assemble and distribute voting supplies
- Write, proof and print voting materials in three languages
- Process candidate ballot information for publication
- Process absentee ballot requests

To a lesser degree all of the above activities must also be accomplished for every election.

Elections in Orange County

Since 1995, 31 elections have been conducted in the County. These elections have included everything from Presidential elections, with over three hundred different ballot types and nine ballot cards, to special elections that are conducted in a few precincts with only one issue. All election material must be written, translated, proofed and printed in three languages: English, Spanish and Vietnamese.

Orange County uses a voting system called *Datavote*, a punch card method, which consists of a punch, IBM-type card and counting machines.

At the voting location, an individual card is inserted into the punch machine. A selection lever is moved to the line location of the desired candidate/proposition choice and the lever is pressed downward punching the card. Because the machine precisely punches the ballot card and is slightly inclined to prevent jamming, any possible "chad" is eliminated. There is no part of the punched area remaining on the card. It is possible to double or triple punch. If a mistake is recognized, the voter may ask for up to two replacement ballots. The entire ballot is then placed in a sealed ballot box.

At election headquarters, the ballot cards are fed by precinct into a counting machine. The counting machine is programmed to read specific information from the card. If the machine detects a problem, it stops operation. The problem must be resolved before counting is restarted. If a card is unreadable because of an error, that card is removed to be duplicated and processed later. The entire group of cards from that precinct is then restarted through the counting machine. If the ballot card were punched more than the maximum allowed for a ballot position, which is called an overvote, that portion of the card would be invalid. If no punch is detected for any one of the ballot positions, it is called an undervote for that position. The rest of the ballot is counted. All cards from each specific precinct are kept together throughout the count and retained after the election, organized by precinct, in a secure location for the prescribed amount of time required by the type of election.

Community Leadership

After recent elections, allegations have surfaced that concern voters within minority communities. These allegations charge the Registrar of Voters and/or precinct workers with actions that may have reduced the ability of these voters to exercise their right to vote.

Community leaders frequently make complaints on behalf of members of their particular communities. Little effort is now being made to encourage these community organizations to participate as part of the voting process, rather than only as a “voice of the public” after the fact.

There have been several publicly voiced complaints by community leaders and activists that the Registrations and Elections Department is not doing enough to provide translation services at the polling places to assist limited English-speaking voters. The Registrar of Voters has stated publicly that obtaining bilingual assistance is difficult. Community leaders and activists may, in fact, be in the best position to be part of the solution to the problem by providing a cadre of volunteers to perform these services.

Voting Technology

Voting technology has changed over time. Currently, there are three types of voting processes available in California from a variety of vendors. The California Secretary of State certifies only the following system options:

- **Punch Card**
The *Datavote* system used in Orange County has been described earlier in this report. The disadvantage to this process is the length of time it takes to provide election results.
- **Mark Sense Ballot Card**
This is an optical scanning system that allows a vote by either filling in an oval on the ballot or finishing an arrow pointed at a candidate or proposition choice. There are some protections against over and under voting. These "choices" must still be recorded and counted at one or more central counting locations. It may or may not provide faster election results.
- **Touch Screen**
This is a direct recording electronic (DRE) system much like an ATM. Electronic systems have some enhancements over mechanical systems. One enhancement is the speed of reporting results to the public. A DRE device is also well suited for large diverse counties that need to produce multiple ballot types or ballots with diverse language options.

"Voting systems are only as accurate as the people who use them."¹ If election equipment is maintained and voters use it properly, punch card systems like the one used in Orange County are very accurate. However, there is no system that is error free or fail-safe if the equipment is not maintained properly or when used improperly by the voter.

Electronic systems have the capability to provide a complete range of ballot types to voters for an entire county. Trials of new voting technology could be conducted in Orange County by establishing "early voting" locations in readily accessible public places such as shopping malls and public buildings and could be set up for use prior to election day. Early voting is an absentee voting classification. An absentee voter is one who does not vote at his or her own polling place on election day. These convenient "early voting" locations could continue to be used in the future. This use of electronic systems would be an outreach, providing voters a convenience and the County a testing process. Selected precincts in smaller elections could be used for expanded trials of new technology prior to mass purchase of equipment should that option become advantageous. While these are good reasons to test electronic systems, there are not enough to justify the nearly \$50 million it would take to convert all of Orange County.

Santa Barbara County used *Touch Screen* in mall locations for several elections prior to deciding on their current *Mark-A-Vote* method, which is a mark sense ballot method. Riverside County tested *Touch Screen* technology in elections prior to purchasing the system for the whole County.

In January 2001 Unisys announced a team effort with Dell and Microsoft to provide a "soup to nuts" system for voter registration, voting and reporting results.²

METHOD OF STUDY

On election day, November 7, 2000, the Grand Jury participated in the election process as follows:

- Visited many precincts
- Interviewed precinct workers
- Observed the ballot-counting process on election night
- Served as precinct inspectors

Interviews were conducted with department management in three counties and visits were made to:

¹ Clark, Bradley J., Alameda County Registrar and President of the CA Assoc. of Clerks and Election Officials (CACEO); *California's Conundrum: meeting the complexities of today's local elections*; The California County Magazine, The Journal of the CA Assoc. of Clerks and Election Officials, March/April 2001

² The Wall Street Journal, January 11, 2001

- The Registrar of Voters' office in Santa Barbara County to study a mark sense voting method
- The Registrar of Voters' office in Riverside County to observe an election, which used a touch screen system
- The office of Orange County's Registrations and Elections Department

FINDINGS

In accordance with *California Penal Code*, Sections 933 and 933.05, responses are required to all findings. The 2000-2001 Orange County Grand Jury has arrived at the following findings:

1. The *Datavote* punch card system used in Orange County works well. The equipment is maintained on a regular basis, the punch machines are tested before being sent to each polling place, and logic and accuracy tests are performed on the counting equipment before any ballot cards are counted.
2. The Election Information Management System (EIMS) used to manage internal functions is over 15 years old and does not have the capacity to meet current or projected requirements.
3. Since 1995, the following changes have occurred within the Registrar's office:
 - Staff reduction of 33%
 - Voter registration increase of 18%
 - Absentee ballot requests increase of 57%
4. Training for all precinct workers is not mandatory.
5. Translation services are not routinely available to voters on election day.

Responses to Findings 1 thru 5 are required from the Board of Supervisors and are requested from the Registrar of Voters.

RECOMMENDATIONS

In accordance with *California Penal Code*, Sections 933 and 933.05, each recommendation requires a response from the government entity to which it is addressed. These responses are submitted to the Presiding Judge of the Superior Court. Based on the overall findings, The 2000-2001 Orange County Grand Jury recommends that:

1. A PC-based computer system should be considered to replace the older Election Information Management System now used internally in the Registrations and Elections Department. (Finding 2)

2. The number of full-time employees at the Registrations and Elections Department should be increased to an appropriate number per capita of registered voters. Based upon what needs to be accomplished, the Grand Jury recommends that number should be in the range of 40-45. (Finding 3)
3. For the future, the Registrar of Voters should consider the evaluation of new technology, such as *Touch Screen*. Early voting locations readily available to the public, possibly at local shopping malls, could provide two services, a convenient absentee voting method and a process to evaluate new technology for the County without large capital investment. (Finding 1)
4. The Registrar of Voters should test new voting technology in selected precincts in small elections prior to consideration of mass purchase of equipment. (Finding 1)
5. Training of precinct workers should be mandatory followed by a process to test mastery of the material presented. (Finding 4)
6. The Registrar of Voters should actively solicit minority community organizations for translators on election day and provide access to these interpreters through a common process. (Finding 5)

Responses to Recommendations 1 thru 6 are required from the Board of Supervisors and are requested from the Registrar of Voters.